

N.D.N.Y.
23-cv-364
Suddaby, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of February, two thousand twenty-five.

Present:

Gerard E. Lynch,
Beth Robinson,
Alison J. Nathan,
Circuit Judges.

Richard Sposato,

Plaintiff-Appellant,

v.

24-536

Matthew W. Ryan, individually and in his official capacity,

Defendant-Appellee,

Paul G. Carey, individually and in his official capacity, et al.,

Defendants.

Appellant, pro se, moves to proceed in forma pauperis. Appellee, through counsel, moves to dismiss the appeal. This Court has determined that it lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. See *Petrello v. White*, 533 F.3d 110, 113 (2d Cir. 2008); see also *Ruffolo v. Oppenheimer & Co.*, 949 F.2d 33, 35-36 (2d Cir. 1991). Upon due consideration, it is hereby ORDERED that Appellee's motion is GRANTED and the appeal is DISMISSED. It is further ORDERED that Appellant's motion is DENIED as moot.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe